

21 JUL 1961

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Honorable David E. Bell
Director
Bureau of the Budget
Washington 25, D.C.

Dear Mr. Bell:

This is in response to the Bureau's request of 30 June 1961 for this Agency's views on the Civil Service Commission's draft bill, "To provide for the payment of compensation and restoration of employment benefits to certain Federal officers and employees improperly deprived thereof, and for other purposes", to be cited as the "Back Pay Act of 1961."

We have reviewed the draft bill and the supporting documents with much interest. The bill would provide a general authority for restoring lost pay and other benefits in the event a Federal employee should be adversely affected by a personnel action subsequently determined to be unjustified or unwarranted. It also accomplishes a desirable purpose in providing for comprehensive and uniform application of a principle already established as public policy, that is, that an employee is entitled to be made whole whenever an erroneous personnel action which has terminated or reduced his compensation is corrected by appropriate authority.

The Civil Service Commission's draft letter of transmittal to the Congress indicates that the proposed bill does not extend to any employee any rights of tenure, review, or appeal to which

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he is not otherwise entitled. This statement is consistent with our conclusion that the bill would not affect the termination authority of the Director of Central Intelligence contained in Section 102(c) of the National Security Act of 1947, as amended.

We feel that the proposed legislation is desirable and have no objection to its enactment in its present form.

Sincerely,

s/ John S. Warner

John S. Warner
Legislative Counsel

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